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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

<p>NICHOLE WARREN on behalf of her minor son, JOHN DOE,</p> <p style="text-align: right;">Plaintiff,</p> <p>v.</p> <p>OGDEN CITY SCHOOL DISTRICT and DREW TUTT,</p> <p style="text-align: right;">Defendants.</p>	<p>STIPULATED MOTION TO REMAND TO STATE COURT</p> <p>Case No. 1:18-cv-00085</p> <p>Judge Dale A. Kimball Magistrate Judge Paul M. Warner</p>
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Defendants Ogden City School District and Drew Tutt (“Defendants”), by
and through counsel, Kyle J. Kaiser and Diana F. Bradley, Assistant Utah
Attorneys General, and Plaintiff Nicole Warren, by and through counsel, Lani K.

Wallace, hereby stipulate and respectfully move this Court to remand this civil action to the Second Judicial District Court in and for Weber County, State of Utah.

PROCEDURAL HISTORY AND GROUNDS FOR REMAND

1. Plaintiff commenced this action by filing a Complaint in the Second District Court in and for Weber County, State of Utah.

2. Plaintiff's Complaint alleged a cause of action against Defendants for alleged violations of the Plaintiff's federal civil rights under 42 U.S.C. § 1983.

3. Based on Plaintiff's allegations under 42 U.S.C. § 1983, this Court had original jurisdiction of the above-entitled action pursuant 28 U.S.C. §1331, and this action was timely removed by Defendants to this Court pursuant to 28 U.S.C. §1441(a).

4. Plaintiff filed an Amended Complaint, removing her claim under 42 U.S.C. §1983, Plaintiff's remaining claims are asserted under Utah state law.

5. Because Plaintiff no longer asserts any federal claims, this Court could retain supplemental jurisdiction over Plaintiff's claims, or it may decline to exercise jurisdiction over Plaintiff's claims and remand this action to state court.

Based on the foregoing the parties respectfully request this court remand this action to the Second District Court in and for Weber County, State of Utah.

Respectfully submitted this 17th day of August, 2018.

OFFICE OF THE
UTAH ATTORNEY GENERAL

/s/ Kyle J. Kaiser
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DIANA F. BRADLEY
Assistant Utah Attorneys General
Counsel for Defendants

/s/ Lani K. Wallace
Lani K. Wallace
Counsel for Plaintiffs
(signed with permission)